JPME

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -1 AM 11:49

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. '08 MJ 1375
v.	)	COMPLAINT FOR VIOLATION OF:
Miguel CODINA-Zaragoza, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **April 29, 2008** within the Southern District of California, defendant, **Miguel CODINA-Zaragoza,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **MAY2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Miguel CODINA-Zaragoza

PROBABLE CAUSE STATEMENT

On Tuesday April 29, 2008, Border Patrol Agent C. Devenport was performing his assigned line-watch duties near an area known as Rancho La Puerta. At approximately 10:35 p.m. he observed footprints for a group of people crossing the Border Road. Agent Devenport followed the footprints northwest for about 10 minutes when he encountered approximately 25 individuals trying to conceal themselves brush. Agent Devenport identified himself as a United States Border Patrol Agent. Agent Devenport questioned each individual as to his/her citizenship and nationality. All 25 individuals including one subject later identified as the defendant **Miguel CODINA-Zaragoza,** stated that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. All 25 individuals were arrested and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 8, 2004** through **Paso Del Norte, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without a lawyer present. The defendant also stated that he is a citizen and national of Mexico illegally present in the United States without proper immigration documents allowing him to enter or remain in the United States legally. Also, the defendant admits that he has been previously deported from the United States. He stated his intended destination was Chicago, Illinois.